Office - Supreme Court, U. S.
FILED
APR 7 1941
CHARLES ELMORE CROPLEY
CLERK

SUPREME COURT OF THE UNITED STATES

JAMES W. ROLAND
Petitioner and appellant

v.

PORT COMPRESS COMPANY
Respondent and appellee

TRANSCRIPT OF RECORD
from the County Court of Nueces County,
State of Texas.

I N D E X

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Transcript of judgment from Justice Court.

Filed Nov. 8, 1940

Transcript of Judgment from Justice's Court

Precinct No. One, Corpus Christi, Nueces County, Texas, Joe D. Browning, J. P.

James W. Roland Plaintiff No. 3556 — Jack K. Pedigo Plaintiff's Attorney

vs — Kemp, Lewright, Dyer, Wilson & Sorrell, Defendant's Attorney

Port Compress Co., a Corp. Defendant

JUSTICE'S COSTS	Houston Plaintiff Dolls. Cts.	here Defendant Dolls. Cts.
Docketing	.10	.10
Citation	1.00	
Entering Judgment	.50	.50
Filing Paper	.05	.40
Taxing Costs and Copy thereof	.10	.10
Making Transcript	1.50	1.50
CONSTABLE'S COSTS		
Serving Citation	1.30	
Total Costs	4.55	2.60

Suit upon Debt & Damages for $51.25 of date __ Due__Interest at __

Filed 16 day of April 1940 Citation issued the__day of__19__

Returnable to __Term, 19__ and placed in the hands of__Mailed to the sheriff of__Returned__Executed __ day of__19__

Pauper's oath filed 4-16-40

Citation filed 4-16-40

Plaintiff's original petition filed 4-16-40

Defendant's original answer filed 4-16-40

Plea of Privilege filed 4-16-40

Transcript of Judgment filed 4-16-40

Application for Commission for Deposition; precept and officers

return issued 5-20-40

Application returned and executed 5-21-40

Depositions filed 7-18-40

Plaf. by trial amendment & oral pleadings sues for $51.25 instead of $116.25

Judgment rendered in favor of defendant and plaintiff gives notice of appeal 10-31-40

Transcript made and papers transferred to County Court 11-7-40

No. 3556

JAMES V. HOLAND
VS
PORT COMPRESS COMPANY

IN JUSTICE'S COURT, PRECINCT 1, PLACE 2, NUECES COUNTY, TEXAS.

The above styled and numbered cause came on regularly for trial on the 15th day of October, 1940, and came plaintiff by his attorneys of record, and came defendant by its attorneys of record, and announced ready for trial; whereupon, the matters of fact as well as of law were submitted to the Court, and the Court, after hearing the case, took the matter under advisement until the 31st day of October, 1940, whereupon the Court concluded that the plaintiff should take nothing by reason of his suit;

IT IS, ACCORDINGLY, ORDERED, ADJUDGED AND DECREED by the Court, that the plaintiff, James V. Holand, take nothing by reason of his suit, and that defendant, Port Compress Company, go hence without day, and that all costs of this proceeding by adjudged against the plaintiff, for which, execution may issue; whereupon the plaintiff then and there, in open court, excepted and gave notice of appeal to the County Court in and for Nueces County, Texas.

Joe D. Browning, Justice of the Peace
Prec. 1, Place 2, Nueces County, Texas.

THE STATE OF TEXAS)
COUNTY OF NUECES)

I, Joe D. Browning, Justice of the

Peace, do hereby certify that the above and foregoing is a true and correct Transcript of the entries on my docket, on page 118, Vol. 8, in the cause of James W. Roland vs. Port Compress Co. and that the foregoing Bill of Costs is a true and correct statement of the costs incurred in said cause to this date.

Witness my official signature, at Corpus Christi this 7th day of November 1940.

Joe D. Browning, Justice of the Peace
Precinct No. One, Nueces County, Texas.

ENDORSED: No. 3496. No. 3556. TRANSCRIPT OF JUDGMENT FROM JUSTICE'S COURT Precinct No. one. James W. Roland vs. Port Compress Co. A Corp. Issued 7 day of Nov. A.D.1940. Joe D. Browning, J. P. Precinct No. one, Nueces Co., Texas. FILED NOV 8 1940. Mrs. HENRY E. COUCHE County Clerk, Nueces County, Texas. By E. D. Rudolph, Deputy.

* * * * * * *

Plaintiff's affidavit of inability to pay jury fee.

Filed Dec. 7, 1940

JAMES W. ROLAND Plaintiff	)	IN THE JUSTICE'S COURT,
vs	No. 3556	PRECINCT NUMBER ONE, PLACE TWO, NUECES COUNTY, TEXAS.
PORT COMPRESS COMPANY Defendant		

Before me, the undersigned authority, on this day personally appeared James W. Roland, who on his oath stated that he is the plaintiff in the above entitled and numbered cause, that he is unable to make the deposit of three dollars jury fee required by law to be made with his application therefor and that he cannot, by the pledge of property or otherwise, obtain the money necessary for that purpose.

James W. Roland

Sworn to and subscribed before me, by the said James W. Roland, this 24th day of September, 1940, to certify which witness my hand and seal of office.

(Harris Co., Tex. L.S.) Gerald S. Gordon,

Notary Public, Harris County, Texas.

XLNORSED: 3496. FILED DEC 7 1940. MRS. HENRY E. GOUGER, County Clerk, Nueces County, Texas. By H. D. Rudolph, Deputy.

* * * * * *

Plaintiff's affidavit of inability to pay costs or give security therefor and order.

Filed Nov. 8, 1940

JAMES W. ROLAND	IN THE JUSTICE COURT OF
VS	HARRIS COUNTY, TEXAS,
PORT COMPRESS COMPANY	PRECINCT NUMBER ONE.

No. _____.

Now Comes James W. Roland, Plaintiff in the above entitled and numbered cause and after being placed upon oath and being duly sworn, says and states that he is too poor to pay the costs of this Court, and is unable to give security therefor, and requests permission to file this suit without the customary costs.

James W. Roland

SWORN TO AND SUBSCRIBED BEFORE ME by the said James W. Roland this 30th day of March, A.D. 1940, to certify which, witness my hand and seal of office.

(Harris Co., Tex. L.S.) Gerald S. Gordon, Notary Public In and for Harris County, Texas.

ORDER

The affidavit of James W. Roland, Plaintiff in the above entitled and numbered cause, and the contest thereof, coming on to be heard, and the Court having tried and considered the same, finds that James W. Roland is too poor to pay the costs herein or to give security therefor, and it is accordingly ordered that the said James W. Roland be admitted to sue herein as a poor person without paying or giving any security for payment.

Approved 3/30/40 _____ JUDGE

ENDORSED: #3496. FILED MAR 30 1940 W. C. Hagan, J.P.PCT. No. 1, HARRIS COUNTY, TEX. #3556. FILED 4-16-1940. Joe D. Browning, Justice of the Peace, Precinct 1, Place 2. FILED NOV 8 1940. Mrs. HENRY E.

COUGER, County Clerk, Nueces County, Texas. By H. D. Rudolph, Deputy.

* * * * * *

Commission, Interrogatories, & Precept.

Filed Dec. 6, 1940

THE STATE OF TEXAS, TO ANY NOTARY PUBLIC OF HARRIS COUNTY, TEXAS, GREETINGS:

You are hereby authorized and required to summon James W. Roland, resident of your county, before you forthwith, and his answers to take under oath to the accompanying direct interrogatories propounded to him, in a certain cause now pending in the County Court of Nueces County, Texas, wherein James W. Roland is plaintiff and Port Compress Company is defendant, and to return without delay this commission and accompanying interrogatories, and the answers of the witness thereto, to the undersigned clerk of the County Court, Nueces County, Texas, whose official and postoffice address is Nueces County Courthouse, Corpus Christi, Nueces County, Texas.

Witness Mrs. Henry E. Couger, Clerk of the County Court, Nueces County, Texas.

Given under my hand, this 2 day of Dec., 1940, at my office in the city of Corpus Christi, Texas.

Mrs. Henry E. Couger, Clerk of the County Court, Nueces County, Texas.
By H. D. Rudolph, Deputy.

(Nueces County Court Seal)

Issued this 2 day of Dec., 1940

Mrs. Henry E. Couger, Clerk of the County Court, Nueces County, Texas.
By H. D. Rudolph, Deputy.

JAMES W. ROLAND, Plaintiff VS PORT COMPRESS COMPANY Defendant	No. 1496	In the county court, Nueces County, Texas.

TO PORT COMPRESS COMPANY, DEFENDANT, or KEMP, LEWRIGHT, DIBB, WILSON AND SORRELL, ITS ATTORNEYS OF RECORD:

You will take notice that five days after the service of a copy hereof, and of the attached interrogatories, I intend to and shall apply to the clerk of the County Court of Nueces County, Texas, for a commission to take the answers of the plaintiff James W. Roland, who is to be found in Harris County, Texas, to such interrogatories, which deposition when taken will be used in evidence in the above entitled and numbered cause.

James W. Roland, Plaintiff.

By: Jack K. Pedigo,
Attorney for Plaintiff.

Interrogatories to be propounded to James W. Roland, plaintiff:

Interrogatory 1-what is your name and where do you reside?

Interrogatory 2-did you ever reside in any city or cities of Texas other than your present place of residence?

Interrogatory 3-what city or cities?

Interrogatory 4-when did you live in Corpus Christi, Texas?

Interrogatory 5-while you lived in Corpus Christi, Texas, did you ever work for any person, firm, company or corporation there?

Interrogatory 6-what company or corporation?

Interrogatory 7-during what year did you work for the Port Compress Company?

Interrogatory 8-when, during 1939, did you begin working for the Port Compress Company?

Interrogatory 9-after that date how many weeks did you work for the Port Compress Company?

Interrogatory 10-what did the Port Compress Company pay you per hour for your work?

Interrogatory 11-how many hours did you work for the Port Compress Company the first week you were employed?

Interrogatory 12-how many hours did you work for them the second week?

Interrogatory 13-how many hours did you work for them the third week?

Interrogatory 14-how many hours did you work for them the fourth week?

Interrogatory 15-how many hours did you work for them the fifth week?

Interrogatory 16-how many hours did you work for them the sixth week?

Interrogatory 17-about when did you stop working for the Port Compress Company?

Interrogatory 18-what were your exact duties while you were employed by the Port Compress Company,

Interrogatory 19-did you perform any other duties while in the employ of the Port Compress Company?

Interrogatory 20-were you ever, during your employment with the Port Compress Company, engaged in the actual operations of ginning or compressing cotton?

Interrogatory 21-then your job was to transfer, by means of a tractor cotton from the Port Compress Company's plant to ships docked in Corpus Christi's harbor?

Interrogatory 22-were these ships on which you loaded cotton American ships or vessels of foreign nations?

Interrogatory 23- did you know the destination, that is, where these ships were going after they left Corpus Christi?

Interrogatory 24-how did you know that?

Interrogatory 25-then you learned where the ships were going by talking to the members of the ships' crew and/or their captains or officers?

Interrogatory 26-did you ever notice on the American ships the names of any American cities painted on the side or stern of these ships?

Interrogatory 27-what cities' names were painted on the American ships to which you transferred cotton?

Interrogatory 28-under what flags were the various ships, to which you transferred cotton, flying?

Interrogatory 29-how did you know what flag they were sailing under?

Interrogatory 30-then some of the ships to which you transferred cotton were foreign vessels, that is, they were sailing under flags

of nations other than the flag of the United States of America?

Jack K. Pedigo,
Attorney for Plaintiff

JAMES W. ROLAND Plaintiff VS PORT COMPRESS COMPANY Defendant	No. 3496	IN THE COUNTY COURT NUECES COUNTY, TEXAS.

THE STATE OF TEXAS, TO THE SHERIFF OR ANY CONSTABLE OF NUECES COUNTY-GREETING:

You are hereby commanded to serve the Port Compress Company, the defendant in the above-stated cause, by Kemp, Lewright, Dyer, Wilson and Correll, its attorney's of record, with the accompanying certified copy of notice and interrogatories propounded by the plaintiff's attorney, Jack K. Pedigo, in said cause to James W. Roland, who resides in the county of Harris, in the State of Texas.

Herein fail not, but of this writ, and how you have executed the same, make due return within five days after service.

Witness, Mrs. Henry K. Couger, Clerk of the County Court, Nueces County, State of Texas.

Given under my hand, this 26 day of November, 1940.

(Nueces County Court Seal)

Mrs. Henry K. Couger, Clerk;
County Court, Nueces County, Texas.
By H. D. Rudolph, Deputy.

Issued this 26 day of November, 1940.

Mrs. Henry K. Couger, Clerk
County Court, Nueces County, Texas.
By H. D. Rudolph, Deputy.

OFFICER'S RETURN

Came to hand on the 26th day of November, 1940, at 10 o'clock a.m., and executed on the 26th day of November, 1940, at 10 o'clock a.m., at Corpus Christi Texas, by delivering to J. E. Correll, one of the attorneys for the plaintiff, in person the accompanying certified copy of notice and interrogatories and a true copy of this writ. The

distance actually traveled by me in serving such process was $1.00 __miles, and my fees are____

Fee $1.30

JOHN B. HARNEY, Sheriff of Nueces County, Texas.
By: Ross Stephenson,
Deputy Sheriff, Nueces County, Texas.

ENDORSED: #3496. FILED DEC 6 1940. MRS. HENRY E. GOUGER, County Clerk, Nueces County, Texas. By E. D. Rudolph, Deputy.

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Answers.

Filed Dec. 6, 1940.

JAMES W. ROLAND
Plaintiff

VS

PORT COMPRESS COMPANY
Defendant

No. 3496

IN THE COUNTY COURT,
NUECES COUNTY, TEXAS.

Answers and deposition of James W. Roland, whose residence is the City of Houston, Harris County, State of Texas, to the accompanying interrogatories propounded to him in the above-entitled cause, taken before WILLIAM E. LADIN, Notary Public, Harris County, Texas, in accordance with the accompanying commission.

ANSWERS OF THE WITNESS-----TO THE DIRECT INTERROGATORIES:

To the first interrogatory he answers: James W. Roland, 2207 Canal St., Houston, Harris County, Texas.

To the second interrogatory he answers: Yes. Corpus Christi.

To the third interrogatory he answers: Corpus Christi, Texas.

To the fourth interrogatory he answers: From 1937 until Sept. 7, 1939.

To the fifth interrogatory he answers: Yes. Port Compress Co.

To the sixth interrogatory he answers: Port Compress Company.

To the seventh interrogatory he answers: 1937, 1938, 1939.

To the eighth interrogatory he answers: July 29, 1939.

To the ninth interrogatory he answers: Five (5) weeks and Three (3) days.

To the tenth interrogatory he answers: Twenty-five (25¢) Cents per hour.

9 To the eleventh interrogatory he answers: Seventy (70) hours.

To the twelfth interrogatory he answers: Sixty (60) hours.

To the thirteenth interrogatory he answers: Seventy (70) hours.

To the fourteen th interrogatory he answers: Sixty (60) hours.

To the fifteenth interrogatory he answers: Eighty-five (85) hours.

To the sixteenth interrogatory he answers: Thirty (30) hours.

To the seventeenth interrogatory he answers: September 6, 1939

To the eighteenth interrogatory he answers: Tractor Driver

To the nineteenth interrogatory he answers: No.

To the twentieth interrogatory he answers: No.

To the twenty-first interrogatory he answers: Yes

To the twenty-second interrogatory he answers: Vessels of foreign nations.

To the twenty-third interrogatory he answers: I was told by the foremen they were going to Japan and France.

To the twenty-fourth interrogatory he answers: The foremen would tell me, and I had my papers, and the names of the ships were there, and I could see they were foreign boats.

To the twenty-fifth interrogatory he answers: Yes. The foremen told me

To the twenty-sixth interrogatory he answers: No.

To the twenty-seventh interrogatory he answers: I did not see any names, but I knew that they were Lykes Bros. ships.

To the twenty-eighth interrogatory he answers: Foreign Flags. Japan, France, Britain.

To the twenty-ninth interrogatory he answers: I looked up at the flag staff while circling around wharf in my tractor, and I had my papers.

To the thirtieth interrogatory he answers: yes.

NO CROSS INTERROGATORIES--

James W. Roland
(James W. Roland)

I, James W. Roland, do hereby swear, under oath, that the answers given by me above are true.

James W. Roland

THE STATE OF TEXAS ((

COUNTY OF HARRIS ((I, WILLIAM E. LADIN, Notary Public, Harris County, Texas, do hereby certify that the foregoing answers of James W. Roland, the witness before named were signed and sworn to before me on the 4th day of December, 1940, by the said witness.

Given under my hand and official seal this the 4th day of December, 1940.

(Harris Co., Tex., L.S.) William E. Ladin, Notary Public, Harris County, Texas.

ENDORSED: #3496. FILED DEC 6 1940. MRS. HENRY E. SCOGGIN, County Clerk, Nueces County, Texas, By H.D. Rudolph, Deputy.

\- - -

Judgment.

Entered Dec. 7, 1940.

NO. 3496

JAMES W. ROLAND | IN THE COUNTY COURT OF

VS. |

PORT COMPRESS COMPANY | NUECES COUNTY, TEXAS.

BE IT REMEMBERED that on the 7th day of December, 1940, the above cause came on to be heard, whereupon plaintiff announced ready for trial, and defendant announced ready upon its plea in abatement; and the Court, after hearing the plea in abatement, was of the opinion that the same should be sustained and this cause dismissed, and it further appearing to the Court that the term of Court expired on the 7th day of December, 1940, it is further the opinion of the Court that this order should be entered nunc pro tunc:

IT IS, THEREFORE, ACCORDINGLY, ORDERED, ADJUDGED AND DECREED by the Court that this cause be and it is hereby in all things dismissed, at plaintiffs, cost, to which action of the Court, be it remembered, the plaintiff then and there, in open Court, excepted; and it is further ORDERED that execution may issue herein for and on behalf of the Clerk, for his costs.

dated Dec. 13, 1940. A.C. Gandy, Judge.

ENDORSED: NO. 3496. IN THE COUNTY COURT OF NUECES COUNTY, TEXAS. JAMES W. ROLAND VS. PORT COMPRESS COMPANY. JUDGMENT.

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Motion for new trial.

Filed Dec. 7, 1940.

NO. 3496

James W. Roland, Plaintiff,
vs.
Port Compress Co., Defendant.

In the County Court in and for Nueces County, Texas.

TO SAID HONORABLE COURT:

Plaintiff in the above entitled and numbered cause, by this, his motion for new trial, moves the Court to set aside the judgment heretofore rendered against him in this cause, and to grant a new trial herein, upon the following grounds, to wit:

That the court erred in sustaining paragraph one of defendant's plea in abatement on file herein, in that paragraph one is not in the nature of a plea in abatement and contains no allegations of fact which would support the court's ruling; that there are no legal or statutory grounds alleged in said plea in abatement which can sustain the court's ruling.

That the court erred in sustaining paragraphs two, three and four of defendant's plea in abatement on file herein in that in none of said paragraphs was there alleged any allegations of fact which would support the court's ruling; that there are no legal or statutory grounds alleged in said plea in abatement which can sustain the court's finding.

That the whole of said plea in abatement is nothing more than an exception and denial of plaintiff's cause of action, and that the court erred as a matter of law in taking cognizance of, and sustaining, said plea in abatement, for the reason that no where in said plea of abatement is there set out any allegations of fact which would support

any statutory or legal grounds for abatement of suit.

That because of the insufficiency of the above described pleading the court erred in considering the same because it is within the exclusive province of the jury.

WHEREFORE, the plaintiff prays that the judgment herein be set aside and that it be awarded a new trial.

J. K. Pedigo
Jay Kirkman
Attorneys for Plaintiff
By Jack K. Pedigo

Motion for new trial overruled this 12/7/40.

ENDORSED: No. 3496. FILED DEC 7 1940. MRS. HENRY V. GOUGER, County Clerk, Nueces County, Texas. By W. D. Rudolph, Deputy.

* * * * * *

Findings of fact & conclusions of law.

Filed Dec. 27,1940.

JAMES A. HOLLAND		IN THE COUNTY COURT
VS	No. 3496	COUNTY OF NUECES
FORT WORTH LOAN COMPANY		STATE OF TEXAS

In response to the request of plaintiff in the above entitled and numbered cause, I make and file the following as my findings of fact and conclusions of law therein:

FINDINGS OF FACT

The court can make no findings of fact for the reason that the cause was determined upon the pleadings. The defendant's Plea in Abatement was sustained in all parts and the cause dismissed without submission of any fact issues to the jury requested by plaintiff and without the hearing of any evidence by the court and without going into the merits of the case.

CONCLUSIONS OF LAW

The plaintiff plead orally as allowed by law, alleging a cause of action by virtue of the Federal Fair Labor Standards Act for compensation for unpaid overtime wages, liquidated damages, and

attorney's fees; to which pleading defendant filed a plea in abatement which the court in all parts sustained without hearing any evidence and solely upon argument of counsel, and took no further cognizance of the cause; concluding as a matter of law that said cause should be dismissed for the following reasons:

(1) That defendant was not within the scope and regulations of the Federal Fair Labor Standards Act, in that defendant Company was engaged in intrastate commerce.

(2) That defendant's services were strictly done within the area of production of crop commodity.

(3) That plaintiff was not employed by the defendant in excess of 14 weeks during the entire year.

(4) That defendant is engaged in compressing cotton and is exempt from the regulations of the Federal Fair Labor Standards Act.

A. C. Handy, Judge of the County Court, Reeves County, State of Texas.

Entered nunc pro tunc Dec. 7th, 1940, this 27th day of Dec., 1940

ENDORSED: #3496. FILED DEC 27 1940. WM. PENNY H. GOUGER, County Clerk, Reeves County, Texas. By L. P. Fritz, Deputy.

* * * * * *

Docket Entry.

Entered Dec. 7, 1940

Vol. H, Page 272 County Court Minutes.

12/7/40. # 3496. James T. Roland vs. Port Compress Co., Plea in abatement sustained to which plaintiff excepted. Plaintiff give notice that he requests new trial. Plaintiff filed motion for new trial. Motion for new trial overruled. Plaintiff gave notice of appeal.

* * * * * * *

BILL OF COSTS

No. 3496 James H. Roland Plff vs. Port Empress Co. Deft.

Mr. James H. Roland Dr.

To OFFICERS OF COURT

The Costs accrued in the above entitled cause to adjournment of Feb 28 19 41

CLERK'S FEES	Dollars	Cents
Docketing Cause, 10c		10
Docketing Motions, 10c		
Issuing Writs Citation, 50c		
Issuing Writs Citation in Error, 50c		
Issuing Subpenas for Witness, 25c		25
Additional Names, 05c		
Issuing Notices for Posting, 75c		
Issuing Commission to take Deposition, 50c		50
Issuing Execution, 50c Precept to same Attorney		50
Issuing Order of Sale, 50c		
Issuing Writ of Attachment, 50c		
Issuing Writ of Possession, 50c		
Issuing Writ of Injunction, 50c		
Issuing Writ of Sequestration, 50c		
Issuing Writ of Garnishment, 50c		
Issuing Writ of Scire Facias, 50c		
Issuing Writ of , 50c		
Entering Appearance, 05c		05
Entering Continuance, 10c		
Entering Order, 15c		
Entering Judgment, 50c		50
Entering Words in Excess of 100 and under 200, 25c		
Entering Words in Excess of 200, per 100, 10c		
Certificate of any Fact of Record, with Certificate and Seal, 50c		50
Recording Return on Citation, 50c		
Recording Return on Notice, 50c		
Recording Return on		
Recording Return on Execution, 50c		
Recording Return on Order Sale, 50c		
Receiving and Recording Verdict of Jury, 25c		
Recording Words in Excess of 300, per 100, 10c		
Filing Papers, 05c (16)		80
Swearing Witness, 10c		
Swearing and Impaneling Jury, 25c		
Administering Oath without seal, 15c		
Administering Oath with seal, 25c		
Certified Cop Petition, per 100 words, 10c		
Certified Cop Interrog		
First 200 words, per 100, 15c		
Over 200 words, per 100, 10c		
Taking Deposition, each 100 words, 15c		
Approving Bond except for costs, $1.00		
Transcript on Appeal, per 100 words, 10c	40	00
Taxing Costs and Copy, 25c		25
Total Clerk's Fees	43	25
County Judge's Fee	3	00
Jury Fee Deposited by		
Printer's Fee Due to		
Stenographer's Fee		
Attorney's Fee Due to		

SHERIFF'S FEES	Dollars	Cents
Executing Citation and miles, $1.00		
Executing Attachment and miles, $2.00		
Executing Sequestration miles, $2.00		
Executing Garnishment miles, $1.00		
Executing Possession miles, $3.00		
Executing Injunction miles, $1.50		
Executing Restitution miles, $3.00		
Summoning Witness and miles, 50c	1	30
Levying Execution, $1.00		
Return of Execution, $1.00		
Posting Advts, for Sale under $1.00		
Taking Care of Property		
Making Deed, $2.00		
Making Bill of Sale, $2.00		
Commission		
Serving 1 Notices, $1.00 & Mileage	1	30
Returning Writ of		
Copy of Attachment Writ and Return for Record, $1.00		
Jury Fee, 50c		
Posting Notices other than Advertising, $1.00		
Approving Bond and Return of Same, $1.00		
Endorsing Forfeiture of Bond, 50c		
Total Sheriff's Fees	2	60
Witness Fees		
Total Witness Fees		
Miscellaneous Costs		
Total Miscellaneous		

RECAPITULATION		
Clerk's brought forward	43	25
Sheriff's brought forward	2	60
County Judge brought forward	3	00
Co. Mess Co. brought forward	4	55
Printer's Press Co. brought forward	2	60
Stenographer's brought forward		
Depositions brought forward	12	50
Witness brought forward		
Miscellaneous brought forward		
GRAND TOTAL	68	70
By Cash Paid		
By Cash Paid		
By Cash Paid		
BALANCE DUE	68	70

15

E-512

3496

File No.

BILL OF COSTS

IN THE COUNTY COURT

Of NUECES County, Texas

Feb. Term, 19 41

James Roland

VS.

Port Campuzas Co.,

Issued FEB 2 8 1941

MRS. HENRY E. GOUGER Clerk.

By H. D. Rudolph Deputy.

Received of:

$ in payment of Costs.

19

By

BURKETT PRINTING COMPANY, DALLAS

THE STATE OF TEXAS }

County of NUECES }

I, MRS. HENRY E. GOUGER Clerk of the County Court in and for said County and State hereby certify the above to be a correct account of the Costs in the above entitled and numbered suit up to this date

WITNESS my hand and the seal of said County affixed at office in Corpus Christi this the 28 day of Feb. 19 41

MRS. HENRY E. GOUGER

Clerk County Court NUECES County.

By H. D. Rudolph Deputy.

THE STATE OF TEXAS | OFFICE OF THE COUNTY CLERK

COUNTY OF NUECES | NUECES COUNTY, TEXAS

I, Mrs. Henry E. Gouger, Clerk of the County Court of Nueces County, State of Texas, do hereby certify that the foregoing typewritten pages numbered 1 to 14 inclusive, contain a true and complete transcript of all papers and instruments on file in this court, together with the "Transcript of Judgment" from the Justice's Court, and proceedings had in said County Court in the cause of James W. Roland, plaintiff and appellant, against Port Compress Company, defendant and appellee, being cause #3496 on the Civil Docket of the County Court, as the same remains of record and on file in said office; the said typewritten pages do not include any instruments filed in the Justice's Court of Harris County, Texas, nor of the Justice's Court of Nueces County, Texas, except that affidavit of inability to pay court costs was filed in J. P. Court, Nueces County.

In testimony whereof I have caused the seal of said County Court of Nueces County, Texas, to be hereunto affixed at the City of Corpus Christi, Texas, this the 4th day of March, A. in the year of our Lord 1941.

Mrs. Henry E. Gouger

Clerk of the County Court,

Nueces County, Texas.

By H. D. Rudolph, Deputy.

Supreme Court of the United States

No. ———— , *October Term, 1940*

JAMES W. ROLAND,

Petitioner,

vs.

PORT COMPRESS COMPANY

- - - - -

ORDER EXTENDING TIME WITHIN WHICH TO FILE PETITION FOR CERTIORARI

UPON CONSIDERATION of the application of counsel for the Petitioner,

IT IS ORDERED that the time within which to file petition for certiorari in the above-entitled cause be, and the same is hereby, extended to, and including, April 7th, 1941.

s/ Hugo L. Black
Associate Justice of the Supreme Court of the United States.

Dated this 7th day of March, 1941

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